

EXPORTATION OF CERTAIN TOBACCO

*Informal convention signed at Washington November 23, 1863, with
Executive orders of November 10, 1863, and March 7, 1864
Entered into force November 23, 1863
Expired April 23, 1864*

Treaty Series 10

INFORMAL CONVENTION BETWEEN THE SECRETARY OF STATE OF THE UNITED STATES AND THE ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY OF HIS MAJESTY THE EMPEROR OF THE FRENCH, ON THE SUBJECT OF THE EXPORTATION OF CERTAIN TOBACCO

Whereas, by an Executive order bearing date the 10th instant, a copy of which is hereunto annexed, the President of the United States, has authorized the exportation of certain tobacco, it is hereby agreed that the exportation of such tobacco from within limits under blockade, shall be governed by Regulations consisting of the following Articles.

ARTICLE I

The vessels adapted to the employment shall be neutrals exclusively. They shall be French as much as possible; although foreign vessels of other nations may be employed by the French officers to assist in the operation.

ARTICLE II

The French Minister engages that the only tobacco to be removed is tobacco purchased and paid for prior to the 4th of March, 1861, and is in quantity about six or seven thousand hogsheads.

ARTICLE III

For the purpose of preventing any fraud, the charter party shall include express mention that the vessels freighted shall be under the immediate orders of the commander of the "Tisiphone" in every thing that will bear upon the relations and communications to be maintained with the shore, as well as for the labors made necessary for loading. Mr. de Marivault will, for this purpose be authorized to detach on board, if he shall judge it to be necessary, a guard of armed men who shall be victualled under the care of the merchant captains, to whom the amount of the rations shall, ulteriorly, be reimbursed in kind.

ARTICLE IV

The pilots taken by the merchant vessels ascending to City Point, shall, on their arrival, be placed at the disposal of the commander of the "Tisiphone", who will take measures needful to send them back in the same capacity on vessels going down, or as passengers on board of flag of truce vessels. In that case, it will be proper to settle in advance with these pilots a compensation which shall be allowed them daily during their sojourn on board. It should be arranged that said passage shall be effected on the transmission of a pass issued by the French Commander.

ARTICLE V

It shall be formally stipulated in the charter party that the vessels ascending or descending James River shall not communicate with any soever, save the Federal cruisers, to whom they will have to show their clearances, and on their departure, shall return directly to France, to such port as shall have been assigned to them.

ARTICLE VI

The vessels selected by the Consul of France for account of the Imperial government, shall carry, whatever be their nationality, from their arrival in the Chesapeake, until their departure the French flag at the foremast head.

ARTICLE VII

The steamer which shall tow the tobacco barges, will carry the same flag in going to and fro.

ARTICLE VIII

To accelerate the loading a gang of forty laborers shall be recruited at Norfolk and placed at the disposal of the commander of the "Tisiphone", who will distribute them among the vessels that are loading, according to the wants of the hour. In case their number should be insufficient, and where it would be of advantage to join to them some of the crew of the "Tisiphone" the parties loading shall be held to pay them daily wages on the same footing as to the other laborers.

ARTICLE IX

The said laborers, considered as forming part of the effective crew of the "Tisiphone" shall in no case communicate with the shore.

ARTICLE X

The people of the United States and those of some of the Southern States having interrupted their relations and the progress of operations requiring that communications be opened between the Commander of the "Tisiphone" and New York, there shall be conceded, from City Point to Fortress Monroe

and thence to New York, passages by the flags of truce to the Officers of the Imperial Navy, provided with orders from Mr. de Marivault.

ARTICLE XI

It is well understood that any intercourse between the crews of the vessels, and the inhabitants of Virginia is vigorously interdicted.

ARTICLE XII

The chartered vessels will take, on leaving New York independently of their ballast and provisions, a quantity of staves or other wood for dunnage necessary for solid stowage of their cargo.

ARTICLE XIII

In case some vessels should not be able, from their draught of water, to get up to City Point to load, they will complete it by dropping down to Harrison's Bar, where they shall be placed under the control of a French officer.

ARTICLE XIV

The administration of the customhouse at New York shall receive from Washington instructions that the clearance of the vessels employed be not on its part the subject of any difficulty.

ARTICLE XV

The vessels chartered by the French Government shall be towed or as the case may be conveyed by a French vessel of war from the mouth of James River to City Point and in like manner in descending.

In case where one or several of these vessels shall not find a tow at the mouth of the river, and that a steamer is about going up, if it cannot tow or convoy them itself, it will advise the French Commander of their arrival so that he may go to seek them.

Two French gunboats will be detailed to attend to this service

1. The Corvette "Tisiphone"
Commander de Marivault
2. Gunboat "Grenade"
C. A. Reynaud.

ARTICLE XVI

The time within which the tobacco may be removed in pursuance of the privilege granted by the order is five months from this date.

Done at Washington this twenty-third day of November, 1863.

WILLIAM H. SEWARD
HENRI MERCIER

EXECUTIVE ORDERS

EXECUTIVE MANSION

WASHINGTON, *10th November, 1863*

In consideration of peculiar circumstances, and pursuant to the comity deemed to be due to friendly powers, any tobacco in the United States, belonging to the Government either of France, Austria, or any other State with which this country is at peace, and which tobacco was purchased and paid for by such Government, prior to the fourth day of March, 1861, may be exported from any port of the United States, under the supervision, and upon the responsibility of naval officers of such Governments, and in conformity to such regulations as may be prescribed by the Secretary of State of the United States, and not otherwise.

ABRAHAM LINCOLN

EXECUTIVE MANSION

WASHINGTON, *7th March, 1864*

Whereas by an Executive order of the 10th of November, last permission was given to export certain tobacco belonging to the French Government, from insurgent territory, which tobacco was supposed to have been purchased and paid for prior to the 4th of March 1861; but, whereas, it was subsequently ascertained that a part at least, of the said tobacco had been purchased subsequently to that date, which fact made it necessary to suspend the carrying into effect of the said order; but whereas, pursuant to mutual explanations a satisfactory understanding upon the subject has now been reached, it is directed that the order aforesaid may be carried into effect; it being understood that the quantity of French tobacco so to be exported shall not exceed seven thousand hogsheads, and that it is the same tobacco respecting the exportation of which application was originally made by the French Government.

ABRAHAM LINCOLN